

Congress of the United States
Washington, DC 20515

June 23, 2023

Re: Docket ID No. EPA–HQ–OAR–2018–0794

The recent rule proposed by the EPA regarding Mercury and Air Toxics Standards (MATS) threatens the continued operations of Montana’s largest and most productive electricity generating station, Colstrip Generating Station. The EPA’s refusal to fully consider the economic impacts proposed by the MATS reductions is reckless and a possible violation of *Michigan v. EPA*, in which the Court ruled that the EPA is required to consider all relevant factors, and the cost to Colstrip and its costumers is certainly a relevant factor. The proposed rule places ownership in an impossible dilemma: comply at the expense of \$100 billion or retire the plant early. The early retirement of the Colstrip plant would result in immense economic and social pain to the Montanan communities of which it serves.

I ask that the EPA reconsider the costs and risks associated with this rule borne by the communities and people of Montana. As it currently stands, Colstrip is projected to continue generating power for another 15 years. Should this rule be finalized, the plant owners will decide whether to pay the extreme price tag to comply (\$100 billion) or shut down. What options would our communities and business have should Colstrip close prematurely? Estimates from NorthWestern Energy have shown that the early retirement of Colstrip in 2030 would result in an increase of \$530 million in total cost to Colstrip’s costumers. The cost of retiring the station in 2027 would be much higher than those estimates.

According to a study conducted by the Montana Chamber of Commerce, a closure of Colstrip in 2027 due to the new MATS rule would prove catastrophic to the state of Montana. Retirement would result in 3,300 lost jobs, a loss of \$5 billion in household income, and a total decline of state economic output of \$12.5 billion.¹ These numbers are neither small nor insignificant. This projected decline in state economic output represents almost 20% of Montana’s GDP. The early retirement of Colstrip, without a meaningful replacement, represents a danger to our people, communities, economy, and state. I respectfully ask the EPA to reconsider this rule in light of these immense consequences.

Rather than force its closure, I ask that the EPA work with the owners of the Colstrip Power Plant to create a plan that mitigates the economic impacts. This would provide our communities the time and flexibility to find new solutions which would replace the reliance on Colstrip and mitigate the economic shock created by its retirement. We know that Colstrip will not be able to power the state forever. On behalf of my

¹ <http://www.bber.umt.edu/pubs/econ/colstrip2018.pdf>

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constituents, I am asking for the time and ability to identify ways to replace reliance on Colstrip, an opportunity not afforded by the proposed rule and procedure. This would resemble a subcategory in the rule for Colstrip or at least an extension to the deadline in which compliance is necessary. An exception to the rule would enable the owners of Colstrip and the people of Montana to create a timeline that would allow for proper planning to ensure a smooth transition for a future without Colstrip.

Furthermore, the natural occurring mercury in the Yellowstone River far exceeds the amount of mercury produced by the Colstrip Power Plant. In fact, the mercury concentrations in some fish sampled at Yellowstone exceeded the toxicity thresholds for birds and human consumption. The average fish mercury concentration (101.2 ng/g ww) was higher than the study-wide mean (77.7 ng/g ww).² Mercury concentrations exceeded the EPA threshold for birds and humans in 20% and 1% of fish sampled, respectively. Even the Yellowstone dragonflies had 41% of the tested population fall into the high/severe impairment categories for potential mercury risk.³ Related studies also found mercury in air, snowpack, and lake water samples from Yellowstone. The average mercury concentration found in snowpack in 2021 was 1.74 ng/L at Canyon, 1.16 ng/L at Lewis Lake Divide, and 2.6 ng/L at Sylvan Lake.⁴ These levels are a result of the natural geothermal features scattered throughout the park, not due to regional coal-burning power plants.⁵ This is just one example of the EPA's approach to emission standards being misguided. Mercury emissions occur at very high levels naturally—the EPA is yet again unfairly targeting Montana's businesses, economy, and citizens by creating emissions standards that are out of touch with scientific findings and the real-life impact.

Sincerely,



Rep. Matthew M. Rosendale (MT-02)

² <https://pubs.er.usgs.gov/publication/ofr20141051>

³ <https://pubs.acs.org/doi/10.1021/acs.est.0c01255>

⁴ <https://pubs.usgs.gov/of/2007/1045/>

⁵ <https://irma.nps.gov/DataStore/Reference/Profile/11733>